

THE HONORABLE JOHN C. COUGHENOUR*

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.

Defendant.

CASE NO. C11-5560-JCC

ORDER TO SHOW CAUSE

Plaintiff has filed a Complaint alleging deprivation of constitutional rights under 42 U.S.C. § 1983 against numerous United States District Judges (Dkt. No. 1). Other Defendants named in the Complaint were also defendants in a separate Section 1983 action Plaintiff filed in August 2010. *See Dydzak v. George, et al.*, CV 10-5820 SVW (C.D. Cal. 2010). That action was dismissed with prejudice by the District Court. *See id.*, Dkt. No. 16.

The doctrine of judicial immunity absolutely bars Section 1983 damages claims against judges when they are performing “judicial acts.” *See Stump v. Sparkman*, 435 U.S. 349 (1978); *Pierson v. Ray*, 386 U.S. 547 (1967). The doctrine applies even if a judge is alleged to have acted maliciously or corruptly, as long as the judge did not act in the “clear absence of all jurisdiction.” *Pierson*, 386 U.S. at 554.

* Designated by Ninth Circuit Chief Judge Alex Kozinski to preside over this case pursuant to 28 U.S.C. § 292(b).

1 Further, *res judicata* bars the relitigation of matters adjudicated on the merits in a prior
2 action. *Rein v. Providian Fin. Corp.*, 270 F.3d 895, 898-99 (9th Cir. 2001).

3 A court may dismiss a claim *sua sponte* pursuant to Federal Rule of Civil Procedure
4 12(b)(6) for failure to state a claim upon which relief can be granted. *Wong v. Bell*, 642 F.2d 359,
5 361-62 (9th Cir. 1981). Given the apparent applicability of either judicial immunity or *res*
6 *judicata* here, the Court orders Plaintiff to SHOW CAUSE within thirty days of the date of this
7 Order why this action should not be dismissed for failure to state a claim upon which relief can
8 be granted.

9 DATED this 30th day of August 2011.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE